S.B. CIVIL MISC. (ARBITRATION) APPLICATION NO.33/2006

M/s Dana Ram Shri Ram Vs. State of Raj. & Ors.

Date : 06.10.2006

HON'BLE MR. JUSTICE RAJESH BALIA

Mr. D.L.R. Vyas for the applicant.
Mr. L.R. Upadhyay, Dy. Govt. Advocate.

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This application has been moved by the applicant on 7.3.2006 seeking appointment of Arbitrator by replacing the Standing Committee to which the dispute in question had already been referred to. The reason stated in this application for replacing the Standing Committee by a sole Arbitrator is that after the petitioner received communication dated 28th June, 2005 fixing a date of hearing before the meeting on 12.7.2005, the case has been successively adjounred on 28.6.2005 and 12.7.2005 and after the adjournment the next date has not been fixed.

The respondents in their reply have produced Annex.R/6 fixing the next date of hearing before the

meeting as 5.9.2006 in the petitioner's case. Annex.R/7 dated 17.7.2006 fixing the next date of hearing on 22nd Feb., 2006. After the notice dated 17.7.2006 was issued, the petitioner has preferred this application and thereafter he has not participated in the proceedings inter alia on the ground that since he has moved an application under Section 11 the further proceedings may not be carried out.

In the aforesaid facts, no relief can be granted to the applicant. The applicant has not even referred to the notice after August 2005 and merely because one or two adjournments have been granted. It does not become a case of Arbitral Tribunal refusing to act.

The application is rejected. However, it is expected that the arbitration proceedings shall be expedited and the case of the applicant be settled as early as possible say within a period of 4 months.

[ RAJESH BALIA ], J.

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